

# **CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 19, 2008**

## **REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

THE HONORABLE LAURENT F. GILBERT, SR., PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Dube.

Prior to the meeting, the Council held a workshop with the City Assessor to discuss the revaluation project.

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Luke Jenson stated LYAC recently received a check for \$150 from the Lewiston Firefighters Union to help with the electronic message board project, which now brings the outstanding fundraising goal to only \$945. Co-advisor Maggie Chisholm has obtained a signed Maineiacs team jersey that will be raffled off as a fundraising effort for the project. The showing of the Smashed video at the Library has been rescheduled due to a snow storm and the new date will be March 12. They are working with a local radio station to create a public service announcement regarding underage drinking awareness. LYAC is receiving a Legislative Sentiment from the Maine Legislature at the end of the month to recognize their work with underage drinking awareness. At the end of March, the group will be participating in a Bowl for Kids Sake fundraiser for Big Brothers Big Sisters. Councilor Theriault suggested the Council form a team to 'challenge' the LYAC members in the fundraising effort.

### **PRESENTATION FROM MUSEUM L/A**

Rachel Desgrosseilliers, Executive Director of Museum L/A, made a presentation to the Council about the work of the Museum. She reviewed the strategic plan, mission and vision of the Museum as well as its goals and objectives. She mentioned the upcoming programs and the work they are doing to capture the oral histories of past mill workers. She encouraged all Councilors to visit the Museum to see the exhibits and presentations. Ms. Desgrosseilliers stated the first major exhibition at the Museum generated over 2200 visitors. The Museum provided tours as part of the statewide museum directors conference which brought directors from all over the state. She said one of the Museum's roles will be as an economic generator of L/A. They are working to create a traveling exhibit highlighting the mill workers that will travel to other museums in New England and hopefully Canada.

**PRESENTATION ON A REQUEST TO FORM A SISTER CITY RELATIONSHIP  
WITH A TOWN IN RUSSIA**

Dr. Barry Rodrigue of USM/L-A College and Natalia Klimova, a student from the Ukraine, made a presentation to the Council regarding their recommendation to create a sister city relationship between the City of Lewiston and Starye Atagi in the Chechen Republic (Russia). They noted Starye Atagi is a similar city to Lewiston and the two cities could benefit from a connection to have students exchange communications to learn about the different cultures. Dr. Rodrigue noted he has been working for the past several years in Russia and made a connection with a municipal official/city councilor on the local government level in Starye Atagi, who expressed interest and support for creating such a relationship with Lewiston. He then presented photos of the Russian town. He noted the sister city relationship would be done at no cost to Lewiston, and the relationship would be one of moral support and to strengthen civic relations. Linda Rideout spoke in favor of the benefits of a sister city relationship as an outreach program, noting it is an asset for children.

**VOTE (53-2008)**

Motion by Councilor Theriault, seconded by Councilor Reed:

To dispense with the reading of the minutes of the meeting of February 5, 2008 and to accept and place them on file was prepared by the City Clerk. Passed - Vote 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS****VOTE (54-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$555.00, or any portion thereof, in the case of the State of Maine vs. Macarthur Taylor, CR-07-1092 Court Records; the transfer of \$2,193.00, or any portion thereof, in the case of the State of Maine vs. Derek Abe Owen, CR-08-43 Court Records and transfer of \$2,906.00, or any portion thereof, in the case of the State of Maine vs. Derek Abe Owen, CR-08-62 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 6-0

**ANNUAL AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO POST  
CERTAIN ROADS, FROM MARCH 1 TO MAY 1, PROHIBITING VEHICLES  
HAVING A GROSS VEHICLE WEIGHT OF OVER 23,000 POUNDS****VOTE (55-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross vehicle weight of over 23,000 pounds:

From March 1, 2008 to May 1, 2008:

Ferry Road - From Apple Road to River Road  
River Road - From Ferry Road to Solid Waste Facility  
Dyer Road - From Lisbon Road to Ferry Road  
Pinewoods Road - From Ferry Road to Town Line  
Gayton Road - From Lisbon Road to Town Line  
Webster Road - From Old Lisbon Road to Crowley Road  
Merrill Road - From College Road to Main Street  
Sleeper Road - From Merrill Road to Town Line  
Randall Road - From Sunrise Lane to Grove Street  
Grove Street - From Randall Road to Town Line  
Old Greene Road - From North Temple Street to Town Line  
No Name Pond Road - From Old Greene Road to Town Line  
Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR A MORATORIUM  
ORDINANCE REGARDING NEW DRINKING ESTABLISHMENTS IN THE  
OAK PARK NEIGHBORHOOD**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Robert Lambert of Summit Avenue noted the city needs to add better enforcement provisions and “teeth” to its ordinances regarding noise levels and nuisances with nightclubs. He noted the problems in the Oak Park area are now appearing in the Promendae Mall area, where a previous business owner whose license was revoked by the city is now serving as a manager at a nightclub. Mayor Gilbert then closed the hearing. Councilor Poulin asked about limits on subject matters for moratoriums. Mr. Bennett stated moratoriums are typically issued for six months and can be extended for another six months if necessary, and they can be done on any matters the Council regulates on a long term level can also be regulated on a short term level, via the moratoriums. Gil Arsenault, Director of Planning and Code Enforcement, described the definition of drinking establishments.

**VOTE (56-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

That the proposed moratorium ordinance regarding the issuance of licenses for new drinking establishments in the Oak Park neighborhood, to be effective March 2, 2008, receive first passage by a roll call vote. Passed - Vote 6-0

**VOTE (57-2008)**

Motion by Councilor N. Peters, seconded by Councilor Reed:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-0

**VOTE (58-2008)**

Motion by Councilor Theriault, seconded by Councilor Reed:

That the proposed moratorium ordinance regarding the issuance of licenses for new drinking establishments in the Oak Park neighborhood, to be effective March 2, 2008, receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE  
STREETS AND SIDEWALKS ORDINANCE REGARDING SNOW ON PUBLIC  
SIDEWALKS, WALKWAYS AND STREETS**

Councilor Theriault stated he brought up this issue a few weeks ago, but thought the Council would be holding a workshop on the matter first to discuss the pros and cons of such a change. He stated he is not ready to recommend having the ordinance changed yet until a larger discussion can be held on the issue. Councilor T. Peters noted that the Councilors received a letter from L/A Trails recommending they not support the proposed ordinance amendment. Lucille Caron of 68 ½ Howe Street spoke and stated her sidewalk is never shoveled because her landlord does not take care of it, and she has not been able to get her mail for three days. She noted it is dangerous to walk in the street, especially at her age. Councilor Bailey stated she had received a call from Ms. Caron earlier about this issue and that the Public Works Department is supposed to be clearing this sidewalk. Mr. Bennett will look into this item. It was noted by Councilor Reed that city staff is working as hard as they can to clear the sidewalks, yet the state has received a tremendous amount of snow this year and equipment is breaking down, yet they are working as hard as they can. Bob Soucy of 373 Pinewood Road stated he was a landlord several years ago and he did clear his sidewalks but found it frustrating that the city plows would come by after that and block the area again with snow.

**VOTE (59-2008)**

Motion by Councilor Theriault, seconded by Councilor N. Peters:

To refer this matter to a future City Council workshop. Passed - Vote 6-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION AND SPECIAL  
AMUSEMENT PERMIT FOR RUM RUNNERS, INC., 347 LISBON STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Denis Simard of Sabattus, introduced himself as one of the owners. Mayor Gilbert then closed the hearing. The City Administrator stated Mr. Simard's business partner owes the City of Auburn \$14,000 for police coverage at a bar his wife used to own in Auburn and he suggested adding language to the ordinance to require outstanding balances in either city be paid before a license is issued. Councilor T. Peters stated he did not want to require this, noting it is a civil issue. Mr. Bennett made the suggestion of having the ordinances match in the two cities to allow consideration of previous business operations in either city, when considering the issuance of special amusement permits. Councilors T. Peters and Reed concurred this would be a good idea to implement.

**VOTE (60-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Rum Runners, Inc., 347 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING ON A LIQUOR LICENSE FOR THE NEW LEWISTON  
MANDARIN, 750 SABATTUS STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Zhang Feng introduced himself as one of the owners. A lady with him introduced herself as his interpreter. Mayor Gilbert then closed the hearing.

**VOTE (61-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Clerk's Office to approve a liquor license application for the New Lewiston Mandarin, 750 Sabattus Street. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97-99 ASH STREET**

It was noted that the owners of this business were not in attendance at the meeting.

**VOTE (62-2008)**

Motion by Councilor Reed, seconded by Councilor N. Peters:

To postpone action on this matter until the next Council meeting. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR BARNIE'S BAR & GRILL,  
1065 SABATTUS STREET**

It was noted that the owners of this business were not in attendance at this meeting.

**VOTE (63-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To postpone action on this matter until the next Council meeting. Passed - Vote 6-0

**REQUEST FROM SISTERS OF CHARITY HEALTH SYSTEMS FOR A LETTER OF  
SUPPORT TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FOR USE OF CITY LAND FOR THE HOSPITAL EXPANSION PROJECT**

Mayor Gilbert and Councilor Theriault recused themselves due to a conflict of interest regarding this issue. Mike Grimmer and James Cassidy were present representing SOCHS. Councilor T. Peters stated this matter needs to go to the Planning Board for action first, and then come to Council for final action. Mr. Cassidy noted they are just seeking a letter of support for the project at this time, not approval of the land lease easement. Councilors agreed that the City

Administrator could prepare a letter on behalf of the City to support the project, yet not to commit to the land deal until the Planning Board sends their recommendation to the Council.

**VOTE (64-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To refer this matter to the Planning Board for their recommendation. Passed - Vote 6-0

**PRESENTATION FROM THE PUBLIC HEALTH STEERING COMMITTEE OF  
LEWISTON-AUBURN AND APPROVAL OF THE INTERLOCAL AGREEMENT  
WITH AUBURN TO CREATE A LEWISTON-AUBURN HEALTH COMMITTEE**

Deputy City Administrator Phil Nadeau lead the presentation, along with members of the Public Health Steering Committee and urged the Council to support the creation of the committee and highlighted the need to have an organized urban city public health plan and system in place. It was noted the committee would create unique linking services for the public health services available in the twin cities, and such a committee would be instrumental should a major health event occur. Councilor T. Peters inquired about financial buy-in from Auburn and other communities that will benefit from this, noting Lewiston should pay it's fair share costs, but not all of the costs. It was noted that there is not a significant cost to start up the program, aside from Mr. Nadeau's time. An amendment was discussed to have this issue reviewed at a later date. Councilor T. Peters also requested that the committee report back to the Council in six months regarding their progress and activities and highly encouraged the group to develop plans to be self supporting after this six month mark, without the need for administrative support from the City.

**VOTE (65-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To amend the second paragraph in the Resolution to read as follows:

“AND that the Lewiston City Administrator's Office shall provide basic administrative support services while the City Administrator in Lewiston and the City Manager in Auburn develop a mutually agreeable plan to develop other administrative support systems that will be submitted to both City Councils no later than six months from the date of this agreement;”

Passed - Vote 6-0

**VOTE (66-2008)**

Motion by Councilor Reed, seconded by Councilor T. Peters:

To approve the Interlocal Agreement with the City of Auburn to create the Lewiston-Auburn Public Health Committee. Passed - Vote 6-0

**PRESENTATION REGARDING THE CITY'S WORKER'S  
COMPENSATION PROGRAM**

Human Resources Director Denis Jean and City Administrator Jim Bennett made a brief presentation to Council regarding the city's savings over the past five years in the worker's compensation program costs, since the employee incentive program has been implemented. It was noted this is a self-insured program, so any savings are seen as a direct savings. Councilor Poulin noted the School's costs also have decreased over the years, yet not at such a rate as the City's and he suggested the School could implement the City's incentive program.

**APPROVAL OF DATE FOR A SPECIAL MUNICIPAL ELECTION REGARDING THE  
ELECTIONS ORDINANCE REFERENDUM****VOTE (67-2008)**

Motion by Councilor Reed, seconded by Councilor T. Peters:

To schedule a special municipal election on Tuesday, June 10, 2008 to coincide with the state primary election, for the purpose of holding a referendum election on the city's elections ordinance. Passed - Vote 6-0

**RECEIPT OF PROJECTS LIST OF ITEMS APPROVED AND FUNDED BY THE  
PREVIOUS COUNCIL, BUT NOT YET FULLY IMPLEMENTED****VOTE (68-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To receive the projects list of items that have been approved and funded by the previous City Council, yet have not been fully implemented, and could be stopped, altered or continued, and to discuss these projects during the applicable budget workshops, or at a separate workshop night, but to not expend any funds until that time, unless the items have federal or state matching funds, for which the City Administrator can discuss these projects individually with the Council President for authorize to expend the funds. Passed - Vote 6-0

**REPORTS AND UPDATE**

Councilor Poulin stated the school has adjusted their budget schedule in light of unknown funding from the state, but will still be presenting their budget to the Council on the original scheduled date. He stated the School recently amended their smoking policies to prohibit smoking and use of tobacco products on all school grounds, and inquired about the City's policy at the Multi-Purpose Center, since part of the building is a school. Councilor Theriault inquired from Councilor Poulin if the School is considering geothermal heat in the new buildings and asked Councilor Poulin to bring this suggestion to the School Committee for inclusion in all future building plans.

**OTHER BUSINESS**

Bob Soucy of Pinewood Road distributed newspaper articles to the Council regarding Casella Waste Systems, noting he heard negative information about the company, but there must also be good information about the company as well. He also suggested getting rid of the cobblestones on Lisbon Street.

Chris Acceto of 481 Main Street inquired about information on the assessing practices and information he heard at the revaluation workshop earlier this evening.

Note - Due to the late hour, the Council chose not to enter into executive session, as scheduled on the agenda, and to hold the executive session at the next regular Council meeting.

**VOTE (69-2008)**

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 10:15 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine